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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/121,239 | 07/23/1998 | RICHARD C. HARVEY | GP091-02.UT | 3098 |

21365 7590 08/08/2003
GEN PROBE INCORPORATED
10210 GENETIC CENTER DRIVE
SAN DIEGO, CA 92121

EXAMINER

GIBBS, TERRA C

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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1635

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DATE MAILED: 08/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-Responsive Amendment

This Office Action is a response to the Amendment filed May 29, 2003, in Paper No. 34.

The rely filed on May 29, 2003, in Paper No. 34 is not fully responsive to the prior Office Action mailed February 28, 2003, in Paper No. 33 because of the following omission(s) or matter(s). Applicant's Amendment to Figure 2 is not sufficient to bring the application into compliance with the sequence rules set forth in 37 C.F.R. §1.821-1.825 because the Amendment is not complete. For example, Figure 2 has an underlined region of nucleobases 1 to 126 and a double underlined region of nucleobases 127 to 201. These regions need to be identified with a Sequence Identifier Number.

Applicant must fully comply with the sequence rules for any response to this action to be considered fully responsive. Applicant is reminded that a reply to this Notice must include:

- (1) An initial or substitute computer readable form (CRF) copy of the "Sequence Listing
- (2) An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification
- (3) A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, Applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terra C. Gibbs whose telephone number is (703) 306-3221. The examiner can normally be reached on M-F 8:30-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John L. LeGuyader can be reached on (703) 308-0447. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-8693 for regular communications and (703) 872-9307 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

tcg

~~August 8~~ August 7, 2003

km
08-08-03


KAREN LACOURCIERE
PATENT EXAMINER